

LION PETROLEUM OF MISSOURI,
INC.,

Plaintiff,

vs.

MILLENNIUM SUPER STOP, LLC, et al.,

Defendants.

Case No. 4:06CV0698 AGF

ORDER

This matter is before the Court on the motion of the law firm of Polsinelli, Shalton, Flanigan and Suelthaus, P.C., (“the Polsinelli firm”) to withdraw as counsel for Defendants in this case due to a conflict of interest. Following a hearing on this matter on this day, at which the individual Defendants and counsel for all parties were present, the Court finds that an evolving situation has reached the point where a conflict does exist, placing the Polsinelli firm in an untenable position and rendering it unable to represent its clients adequately. In addition, the Court believes that the motion to withdraw must be granted to maintain the integrity of the litigation process.

Accordingly,


IT IS HEREBY ORDERED that the Polsinelli firm's motion (Doc. #150) to withdraw from this case due to a conflict of interest shall be **GRANTED**, upon the entry of new counsel to represent the Defendants herein.

IT IS FURTHER ORDERED that Defendants shall have up to and including September 8, 2008, to retain new counsel. The Court notes, as it did at the hearing, that while the individual Defendants may elect to proceed pro se, they cannot represent the two corporate Defendant entities, nor can the corporate entities represent themselves. If counsel is not retained on behalf of the corporate entities, default judgment could be entered against them.

IT IS FURTHER ORDERED that the Polsinelli firm shall remain counsel of record, responsible for providing notice of any matter requiring such, until new counsel enters the case.

IT IS FURTHER ORDERED that the current trial setting for this case is **VACATED**.

IT IS FURTHER ORDERED that once new counsel enters, a status conference shall be scheduled to establish new deadlines for the filing of any remaining pre-trial materials that are due, and to set a new trial date and date for a final pre-trial conference. New counsel may seek leave of Court to engage in new and meaningful mediation, however in all other regards, the case shall promptly proceed to trial, giving new counsel a reasonable opportunity to prepare.


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 8th day of August, 2008.